

cooperate, the 90 day period may be extended by the Director of the Office for additional periods, including such time as may be needed to base a deficiency on the results of a completed examination. Notwithstanding any other provision of this section, if the Office determines that fraud or misrepresentation occurred during the course of an examination conducted to determine the association's capital, compliance with the procedures set forth in this section shall not be deemed to have extinguished an acquiror's capital maintenance obligation and the Office will seek appropriate enforcement remedies.

(d) *Divestiture.* (1) In the event that the examination conducted under paragraph (c) of this section indicates that no deficiency exists, the acquiror may divest control of the savings association to which the capital maintenance obligation relates upon receiving written notice of the results of the examination. Where the examination was not completed or the results not communicated to the acquiror in a timely manner, and the savings association's most recent Thrift Financial Report filed before the filing of the notice of divestiture indicates no deficiency existed at that time, the acquiror may divest control of the savings association to which the capital maintenance obligation relates 91 days after the receipt of the notice by the Office, or such longer period as established under paragraph (c) of this section.

(2) In the event that a deficiency exists, the acquiror may not divest control of the savings association to which the capital maintenance obligation relates unless:

(i) The acquiror provides the office with an agreement to infuse into the savings association the amount necessary to remedy the deficiency and make arrangements, satisfactory to the Office, to assure payment of the deficiency; or

(ii) The deficiency is satisfied.

(3) An acquiror may divest control of a savings association to which a capital maintenance obligation relates prior to the completion of the examination conducted under paragraph (c) of this section if the acquiror provides the Office with an agreement to infuse

into the savings association the amount necessary to remedy the deficiency and makes arrangements, satisfactory to the Office, to assure payment of any deficiency.

(e) *Effect of regulation on terms of capital maintenance obligations.* This regulation does not supercede any liability imposed by a capital maintenance obligation.

(f) *Exceptions.* The Director of the Office may, upon application or upon his or her own initiative, grant or deny exemptions from this section.

[55 FR 7478, Mar. 2, 1990, as amended at 60 FR 66720, Dec. 26, 1995]

**§§ 567.14—567.19 [Reserved]**

**PART 568—SECURITY PROCEDURES**

Sec.

- 568.1 Authority, purpose, and scope.
- 568.2 Designation of security officer.
- 568.3 Security program.
- 568.4 Report.

AUTHORITY: Secs. 2–5, 82 Stat. 294–295 (12 U.S.C. 1881–1984).

SOURCE: 56 FR 29566, June 28, 1991, unless otherwise noted.

**§ 568.1 Authority, purpose, and scope.**

(a) This part is issued by the Office of Thrift Supervision (the "OTS") pursuant to section 3 of the Bank Protection Act of 1968 (12 U.S.C. 1882), and is applicable to savings associations. It requires each association to adopt appropriate security procedures to discourage robberies, burglaries, and larcenies and to assist in the identification and prosecution of persons who commit such acts.

(b) It is the responsibility of an association's board of directors to comply with this regulation and ensure that a written security program for the association's main office and branches is developed and implemented.

**§ 568.2 Designation of security officer.**

Within 30 days after the effective date of insurance of accounts, the board of directors of each savings association shall designate a security officer who shall have the authority, subject to the approval of the board of directors, to develop, within a reasonable time but no later than 180 days, and to